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DE RUEHMU #0515/01 1192253  
ZNR UUUUU ZZH  
P 282253Z APR 08  
FM AMEMBASSY MANAGUA  
TO RUEHC/SECSTATE WASHDC PRIORITY 2511  
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY  
RHEHNSC/NSC WASHINGTON DC PRIORITY  
RHEFDIA/DIA WASHINGTON DC PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RUEADWD/DA WASHINGTON DC PRIORITY  
RUENAAA/SECNAV WASHDC PRIORITY  
RUMIAAA/CDR USSOUTHCOM MIAMI FL//J2/J3/J5// PRIORITY  
RUEAHQA/OSAF WASHDC PRIORITY  
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY  
RHEHAAA/WHITE HOUSE WASHDC PRIORITY

UNCLAS MANAGUA 000515

SIPDIS

SENSITIVE  
SIPDIS

DEPT FOR PM/SNA, WHA/CEN, AND L/PM  
NSC FOR ALVARADO  
DHS FOR U.S. COAST GUARD  
OSD FOR OSD (POLICY) - WALTER EARLE  
SOUTHCOM ALSO FOR FPA AND JAG

E.O. 12958: N/A  
TAGS: [MARR](#) [PREL](#) [MOPS](#) [KTIA](#) [NU](#)  
SUBJECT: NICARAGUA SOFA LETTER: GON RESPONDS WITH SOME  
CHANGES

REF: A. CURTIS - DE TEMPLE EMAIL 04/23/08  
[B](#). MANAGUA 348  
[C](#). STATE 2677

[1](#). (U) THIS IS AN ACTION MESSAGE. PLEASE SEE PARA 2 FOR  
ACTION.

[2](#). (SBU) SUMMARY AND ACTION REQUEST. On April 24 we met  
with representatives from the Americas Division and the  
Protocol Office of Nicaragua's Ministry of Foreign Affairs  
(MINREX) to discuss their proposed changes to the USG draft  
SOFA dip note text, which we had provided them in January.  
Early indications were that the GON might adopt a  
confrontational approach; however, during the April 24  
meeting, we found both the GON attitude and its proposed  
changes rather more positive. We are providing GON proposed  
changes and rationale in para 4 below. We request guidance  
as to whether GON proposed changes are acceptable and whether  
we can conclude the final version of the diplomatic note  
exchange. END SUMMARY AND ACTION REQUEST.

[3](#). (SBU) On April 24, we met with MINREX Americas Division  
Director, Rene Morales, and Director of Protocol, Maria  
Esther Chamorro to discuss changes to the text of the draft  
SOFA letter proposed by the GON and the GON's underlying  
rationale for each change. Electronic copy of the full draft  
text (in English and the Embassy's unofficial Spanish  
Translation) that includes marked GON changes will be  
forwarded separately to PM/SNA and WHA/CEN.

[4](#). (SBU) BEGIN GON SUGGESTED CHANGES.

CHANGE 1: Para 1, last sentence.  
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DELETE all text to the end of the sentence beginning from  
"the Bilateral Military Assistance Agreement..."

REPLACE with the following text: "the relationship of

friendship and cooperation that exists between the Republic of Nicaragua and the United States of America."

GON JUSTIFICATION: Per the Article 92 of Title V of Nicaragua's Constitution, any stationing or transit of foreign troops must be ratified by the National Assembly. To comply with the Constitutional requirement, in January 2008 the Nicaraguan Army forwarded to the National Assembly for its approval the list of CY2008 planned operational activities for CY 2008. The National Assembly approved the activities and published the decree in "La Gaceta," Nicaragua's equivalent of the "Federal Register." MINREX asserts that the National Assembly decree does not mention the 1954 Mutual Defense Agreement and their proposed change bring the draft SOFA letter text into harmony with the Assembly's decree. NOTE: We are trying to locate the relevant public documents. END NOTE. In response to our questions about whether this deletion indicated any change in the GON's position regarding the 1954 agreement itself, Morales stated that the GON believes "the 1954 Agreement is still in force, at this time."

CHANGE 2: Para 2, first clause.

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REPLACE the word "status" with "treatment." NOTE: MINREX edited only the Spanish-language version of the document, not the English. Their change was to replace "el estatus" (status) with "tratamiento" (treatment).

GON JUSTIFICATION: Morales said that "tratamiento (treatment)" was the proper legal term for non-diplomatic personnel. We confirmed that MINREX understands the term to mean that non-diplomatic personnel are treated equally to administrative and technical personnel, including the relevant rights and immunities.

CHANGE 3: Para 2, third clause, beginning with "and that Nicaraguan Authorities shall accept..."

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INSERT the words "valid, unexpired" before "drivers licenses or permits issued by the appropriate authorities..."

GON JUSTIFICATION: MINREX Spanish language insertion was "validos y vigentes." The GON is prepared to accept, as valid for use in Nicaragua, any U.S.-issued drivers license (civilian or military) on the condition that it not be expired.

CHANGE 4: Para 3, first clause, ends with "in connection with the 2008 operational activities".

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INSERT before the semicolon: "activities, which should be done in coordination with the Embassy of the United States, by means of the duty-free permits, and/or as appropriate, through a duty-free 'Provisional Importation Certificate' granted in the name of the aforementioned diplomatic mission;..."

GON JUSTIFICATION: Chamorro explained that this insertion allows the U.S. maximum flexibility for duty-free transactions under Nicaraguan law. She added that items imported duty-free under a regular diplomatic permit (franquicia) can not be re-sold or re-exported for a fixed period (normally two years) without incurring a duty. She further explained that the Provisional Importation Certificate (Tramite de Importacion Temporal) would allow for the duty-free importation and re-export of items that remain in Nicaragua for only a short time. Items brought in this manner may not be re-sold in Nicaragua. Morales added that, recently, Embassy logistics officials had refused to process paperwork for the exportation of some military items at the close of an activity. As a result, these items had to be

disposed of through alternate methods. Morales said the GON wished to clarify that the duty-free importation and exportation of items related to operational activities should be done through Embassy channels. In response to our questions, Morales and Chamorro did confirm that items for direct use by the Nicaraguan Army could be sent directly to the Army without first passing through the Embassy, as the Army was itself tax-exempt and could request duty-free importation.

CHANGE 5: Para 9, last line (SPANISH VERSION ONLY).

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This change corrects the Spanish grammar in the last line. It inserts the word "de" between "virtud" and "este Acuerdo." There is NO CHANGE to the ENGLISH.

CHANGE 6: Para 2, third clause (SPANISH VERSION ONLY).

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This changes corrects Spanish grammar. It adds an "s" at the end of "autoridades nicaraguenses". There is NO CHANGE to the ENGLISH.

END GON SUGGESTED CHANGES.  
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